

ORIGINAL
FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

DEC 05 2005

LUTHER D. THOMAS, Clerk
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SANDY SNEED,

Plaintiff,

v.

NATIONAL MANAGEMENT
RECOVERY CORP.,
a Florida Corporation,

Defendant.

CIVIL ACTION FILE

NO. 1 05-CV 3085

COMPLAINT FOR DAMAGES

INTRODUCTION

1. This is an action for damages against the defendant for violations of the Federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq., and supplemental state law claims.

SUBJECT MATTER JURISDICTION

2. Subject matter jurisdiction in this Court is proper pursuant to 15 U.S.C. section 1692k(d) and 28 U.S.C. section 1337 (federal question jurisdiction).

FORMS DIVISION
Consent to File
Printed Name
Title
[Signature]

PARTIES AND PERSONAL JURISDICTION

3. Plaintiff is a resident of this State and District and is authorized by law to bring this action.
4. Defendant NATIONAL MANAGEMENT RECOVERY CORP. is a corporation organized under the laws of the State of Florida. [Hereinafter said defendant is referred to as "NMRC."]
5. NMRC is subject to the jurisdiction and venue of this Court.
6. NMRC may be served on its registered agent, to wit: Jill Stanzione, 2825 North University Drive, Suite 201, Coral Springs, FL 33065 or wherever she may be found.
7. Alternatively, NMRC may be served on its officer(s) or other authorized agent(s) at NMRC's principal place of business, to wit: 2825 North University Drive, Suite 201, Coral Springs, FL 33065 or wherever said officer(s) or agent(s) may be found.
8. Alternatively, NMRC may be served by personal or substitute service pursuant to the Federal Rules of Civil Procedure or the laws of the States of Florida and Georgia.

9. Alternatively, NMRC may be served by personal or substitute service pursuant to the Federal Rules of Civil Procedure, the laws of the State of Florida, and/or the laws of the State of Georgia.
10. Other defendants may be discovered in the course of litigation, and plaintiff respectfully prays that the Court will permit the addition of later discovered parties upon motion.

FACTS COMMON TO ALL CAUSES

11. Defendant uses telephone communications in its business.
12. Defendant uses mail in its business.
13. The purpose of defendant's business is the collection of debts.
14. Defendant regularly collects or attempts to collect debts owed or due or asserted to be owed or due to another.
15. Defendant is a debt collector subject to the provisions of the Fair Debt Collection Practices Act.
16. The defendant has attempted to collect a debt allegedly owed by the plaintiff to a business not a party to this action.
17. This debt was incurred for the personal, family or household use of the Plaintiff.

18. A true and correct copy of the July 13, 2005 letter sent by NMRC is attached hereto as Exhibit A.
19. NMRC's letter of July 13, 2005 does not clearly state the name of the creditor to whom the debt is owed.
20. Specifically, the heading of the letter references a "Client: ARC/TAL/CERT".
21. The heading also states that the original creditor "GRAND CASINO BILOXI".
22. The second paragraph of the letter states that NMRC was retained by a different entity, to wit, "ARC/TPL".
23. The letter's reference to three different creditors is confusing and violates the FDCPA.
24. The letter never clearly states to whom the debt was owed at the time the letter was mailed to Plaintiff.
25. NMRC's letter fails to effectively provide the notice required by 15 U.S.C. section 1692g.
26. NMRC's letter states, in part, as follows:

Unless you notify this office in writing within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt to be valid.

(Emphasis added.)

27. NMRC's letter, including the language quoted in the preceding paragraph, imposes a unlawful burden on the consumer by imposing a writing requirement in disputing the validity of the debt in violation of the FDCPA.
28. NMRC's letter makes a false statement of law in violation of the FDCPA.
29. Specifically the language in the paragraph following the signature line and telephone number states "[a]s **required by law**, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations." (Emphasis added.)
30. This notification language is not required by either state or federal law.
31. This language is also confusing and is a threat of credit reporting during the validation period.

- 32. The acts of the defendant violated the federal Fair Debt Collection Practices Act.
- 33. Plaintiff has complied with all conditions precedent to bring this action.

CAUSE OF ACTION

FAIR DEBT COLLECTION PRACTICES ACT

- 34. Defendant's violations of the FDCPA include, but are not limited to, the following:
 - 35. The use of any false, deceptive, or misleading representations or means in connection with the collection of any debt, in violation of 15 U.S.C. § 1692e & 1692e(10);
 - 36. The failure to effectively communicate the name of the creditor to whom the debt is owed, in violation of 15 U.S.C. section 1692g(a)(2); and
 - 37. The failure to effectively communicate the notice of the consumer's right to dispute the debt, in violation of 15 U.S.C. section 1692g(a)(3).

38. As a result of the defendant's actions, the Plaintiff is entitled to an award of statutory and actual damages, as well as an award of costs and attorney fees.


WHEREFORE, PLAINTIFF RESPECTFULLY PRAYS THAT
JUDGMENT BE ENTERED AGAINST DEFENDANT AND IN FAVOR OF
PLAINTIFF, AS FOLLOWS:

- a) That Plaintiff be awarded statutory, actual, treble and punitive damages;
- b) That Plaintiff be awarded the expenses of litigation including a reasonable attorney fee;
- c) That the Court declare each and every defense raised by defendant to be insufficient; and
- d) That the Court grant such further and additional relief as is just in the circumstances.

SIGNATURE ON FOLLOWING PAGE

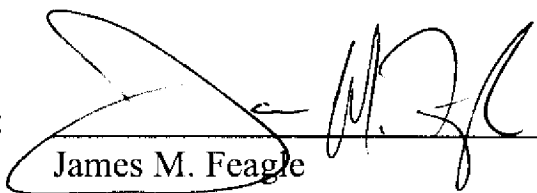
Respectfully submitted,

THE LAW OFFICE OF KRIS SKAAR, P.C.

by: 
Kris Skaar
Attorney for plaintiffs
Georgia Bar No. 649610

P.O. Box 1478 • Marietta, GA 30061-1478
331 Washington Avenue • Marietta, GA 30060
voice (770) 427 - 5600 • fax (770) 427 - 9414

THE LAW OFFICES OF JAMES M. FEAGLE, P.C.

by: 
James M. Feagle
Attorney for Plaintiff
Georgia Bar No. 256916

108 East Ponce de Leon Avenue
Suite 204
Decatur, GA 30030
404 / 373-1970

NATIONAL MANAGEMENT RECOVERY CORP.

5944 CORAL RIDGE DRIVE #204
CORAL SPRINGS, FL 33076
PHONE (866) 446-4488

July 13, 2005

Sandy Sneed
[REDACTED]
[REDACTED]

Client: ARC/TAL/CERT

Account #: [REDACTED]

Org. Creditor: GRAND CASINO BILOXI

Check #: 903

Check Amt: \$150.00

Total Due: 180.00

Dear Sandy Sneed:

Our office has been retained by ARC/TPL in an effort to secure the outstanding funds in the amount of \$180.00. Please note that your check(s) has been returned due to NSF/CLOSED ACCOUNT/or STOP PAYMENT.

Unless you notify this office in writing within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt to be valid. If you notify this office in writing within thirty (30) days from receiving this notice, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment of verification. If you notify this office in writing within thirty (30) days after receiving this notice, this office will provide you the name and address of the original creditor, if different from the current creditor.

Please remit payment in full with this letter to the address below or you may pay in person at our office. Make payment payable to National Management Recovery Corp..

Sincerely

ADMIN
Account Representative
(866) 446-4488

This is an attempt to collect a debt and any information obtained will be used for that purpose. This communication is from a debt collector. "As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations."



EXHIBIT A

You may remit payment by paying cash at any Western Union Quick Collect office. When paying by Western Union Quick Collect, provide the agent with our Code City - NATREC, State - FL and your account number.

*** Please detach and return in the enclosed envelope with your payment ***

NRN1116-NRN1-116-16A258DA06

5944 Coral Ridge Dr #204
Coral Springs FL 33076-3300
RETURN SERVICE REQUESTED

Account #: [REDACTED]
Total Due: \$180.00

IF YOU WISH TO PAY BY VISA, MASTERCARD, (CIRCLE ONE)		
FILL IN THE INFORMATION BELOW		
Account Number	Payment Amount	Expire Date
Card Holder Name	Signature of Card Holder	

587139 - 116 - 002168
Sandy Sneed
[REDACTED]

REMIT TO:
National Management Recovery Corp.
5944 Coral Ridge Dr #204
Coral Springs FL 33076-3300
[REDACTED]